

Univ. of Ill. Library

53
2041

ARGUMENT

OF

AMOS B. MERRILL, ESQ.

FOR THE

PETITIONERS FOR THE INCORPORATION

OF THE

Citizens' Horse Railroad Co.

BEFORE THE

COMMITTEE ON RAILWAYS AND CANALS.

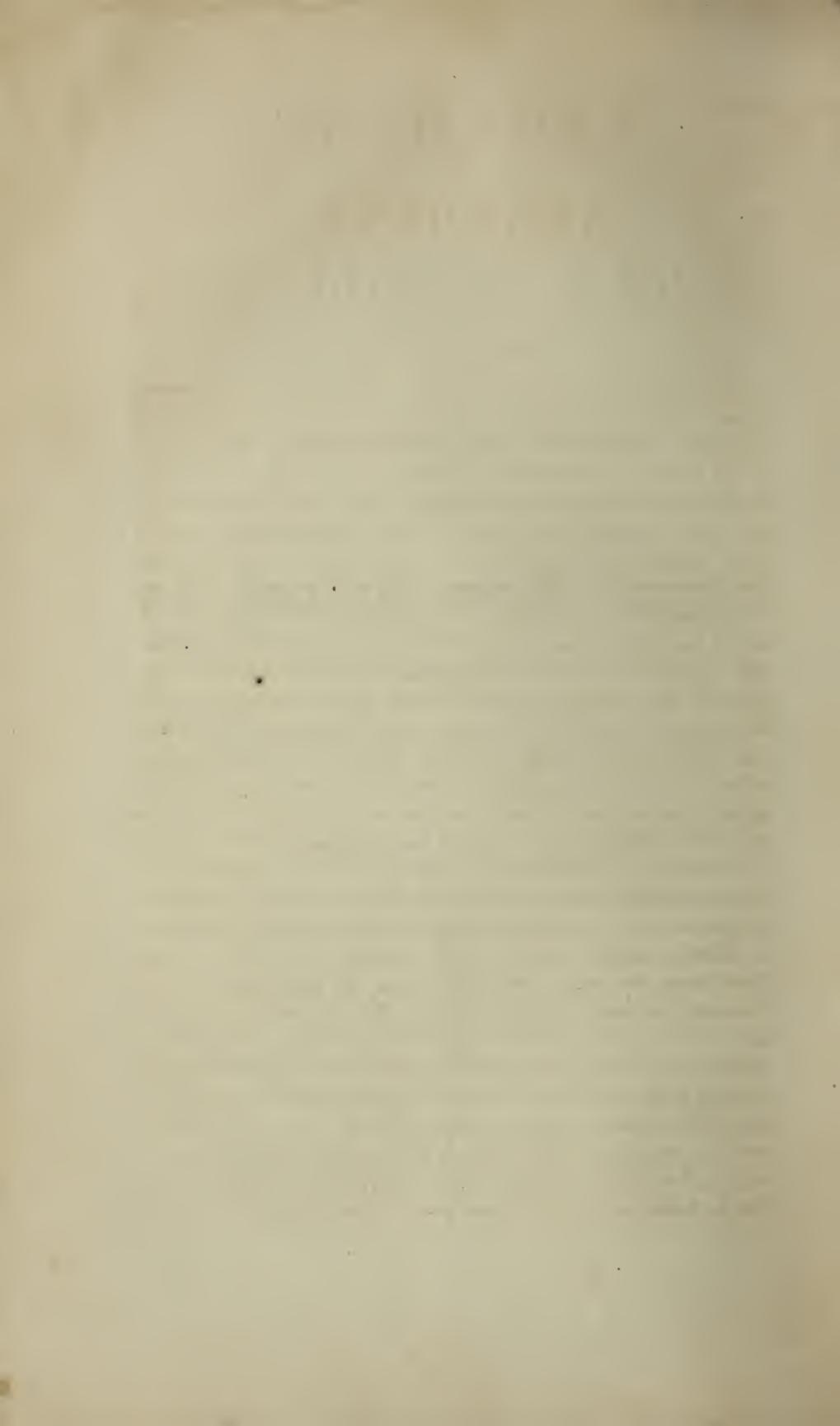
WEDNESDAY EVENING, MARCH 4, 1863.

PHONOGRAPHIC REPORT BY J. M. W. YERRINTON.

BOSTON:

S. CHISM,—FRANKLIN PRINTING HOUSE,
No. 112 CONGRESS STREET.

1863.



A R G U M E N T .

STATEMENT OF CASE.

MR. CHAIRMAN AND GENTLEMEN : The case now presented is this :—The petitioners, being common carriers of passengers, by omnibuses, between the extremes of Boston proper, ask authority of the Legislature to do their business in horse cars, on street railroads, if the city authorities of Boston deem such a change advisable ; and they ask for an act of incorporation, in order to enable them to present the question to the city authorities, who are the best judges of the public exigency. This is the case ; and upon this statement of the question,—this being the whole effect of the act we ask you to grant us,—it would seem, in view of the legislation of the State in favor of horse railroads, and the uniform reference of the question of their location on the highways to the Selectmen of towns and the Mayor and Aldermen of cities, that this whole question might be safely disposed of by an act which refers it to the city authorities ; and I have no question that a general railroad act, allowing any parties who should obtain the leave of a city or town to build a horse railroad within its limits, to become incorporated under such general law, would be perfectly acceptable to the people of the State, and would relieve you of the trouble and expense annually brought upon the Legislature by these continued applications and hearings ; for, whatever takes place here, the simple authority to use the streets has no effect whatever, the final decision of the question being left to the Selectmen of towns or the Mayor and Aldermen of cities. Therefore, a general law, simply giving corporate powers to a company, to enable them to make application to the city or town authorities, would be generally satisfactory to the people. We ask here for no specific routes ; we ask for no compulsory act upon the city of Boston — which, if we did, the city of Boston, as the guardian of its highways, would never regard, and cannot, consistently with our gen-

1180221

eral laws, be called upon to regard. It would be perfectly safe, then, to leave this whole question to the city authorities, who know best the facts argued before you, giving us merely an act of incorporation.

But while we contend that a bill should be granted upon this principle, we propose arguing the case as it has been heard on its merits, and to present it to you precisely as if you were to have the final disposition of the question of our having the right to run upon horse railroads, without regard to the Mayor and Aldermen.

FITNESS OF CORPORATORS.

And, first, we are bound to show you that the corporators are suitable men to be entrusted with such a franchise, and that the public trust committed to them will be well executed. We have presented the corporators to you, that you might see them. Two of them — Mr. Hobbs and Mr. Hathorne — are men of great experience as common carriers of passengers. One of them, Mr. Hobbs, was one of the earliest pioneers in omnibuses, made a fortune in the business of carrying passengers, and retired. Mr. Hathorne has had large experience in omnibuses and the introduction of horse railroads; and since their introduction, he was Superintendent of the Metropolitan road, and is now the proprietor of a flourishing line of omnibuses, — the Citizens' Line. The other gentlemen, Mr. Pratt and Mr. Clark, are well known citizens of Boston, merchants and men of wealth; and I apprehend that no railroad charter or charter for any other corporation was ever asked for by more intelligent, experienced, or able men, than ask for this. The application is *bona fide*. These men ask for horse railroad facilities, in order that they may use them. They ask for them for the accommodation of their sections of the city, more particularly than for any other cause; and I believe that if you grant this charter to these petitioners, its provisions will be well executed; and we wish that the clause that I have asked for to-night, prohibiting the sale of the franchise or the road, should be inserted, not from any fear that these parties or their associates will sell out, but because we want a perpetual prohibition upon those who may afterwards become connected with the corporation.

EQUAL RIGHTS OF COMMON CARRIERS IN THE HIGHWAYS.

The first proposition that we submit in this matter is, that the proprietors of the Citizens' Line of omnibuses, as common carriers of passengers on the public highways, are entitled, as of common right, to the use of every part of the highway, and to all improvements placed on it and made part of the public highway, subject only to such regulations by the public authorities as the public good requires to regulate travel ; and it is but just for the Legislature to grant to one company of common carriers the same facilities for transporting their passengers in the public highways which it grants to another company, having regard only to the public good and to a fair compensation for the use of any improvements upon the highway to the parties who first placed them there. I say, the first principle is, that the railroad track becomes part of the highway ; and whoever places that track in the highway makes it part of the highway, and does it not for the benefit of himself only, but for the benefit of any company whatever that finds occasion to use it, and who the public authorities think ought to travel on that highway ; and all that can reasonably be asked of such parties is, that they shall make suitable compensation for, or contribution towards, the improvements made ; and this, these proprietors, as shown by their bill, are willing to do.

LAW AND POLICY AS TO STREET RAILROADS.

Now, gentlemen, these principles have been strongly denied,—they are denied here to-night ; but we apprehend that they have become the settled law of Massachusetts, and settled policy with the city of Boston ; and it is because the original horse railroad bill of the Metropolitan Company of 1853 did not secure these principles, that the corporators got no location. It was to secure these principles, that Mr. Hathorne and other gentlemen appeared before the Mayor and Aldermen of Boston and remonstrated against any location under the original bill granted to the Metropolitan Railroad, which should give them a vested and lasting right ; and it was only after the passage of the Act of 1854, which gave the Mayor and Aldermen complete control over the road, even to the extent of ordering up the rails at any time after one

year's use, that any locations were allowed in the city of Boston. The Citizens' Line of omnibuses have had, in securing that legislation by what is called their factious opposition to horse railroads, but one object in view, and that was to secure a reasonable safeguard to the public and to themselves, as common carriers. Let us examine the legislation and practice of the State and city on those points.

The Statute of 1857, Chapter 285, and its several locations, permitted the Suffolk road to run cars on the Middlesex Railroad, the Cambridge Railroad, and the Metropolitan Railroad. The Statute of 1862, Chapter 175, permitted the Suffolk road to run its cars the whole circuit of Cornhill, Washington, Boylston, and Tremont streets,—say a mile and three-quarters,—on the Metropolitan track.

MR. DERBY. It is a mile and a third.

MR. MERRILL. Whatever the distance is, there are gentlemen of Boston on the Committee, who know what it is. Then the Statute of 1859, Chap. 205, and the Statute of 1862, Chap. 175, and the locations under it, permitted the Middlesex road to run cars on the Cambridge Railroad, the Metropolitan Railroad, and the Suffolk Railroad, the whole circuit. The Statute of 1854, Chapter 444, and the Statute of 1857, Chapter 216, and the Statute of 1861, Chapter 188, and the several locations under it (which I shall refer to by and by), permitted the Broadway road to run cars over the Dorchester Avenue Railroad and the Metropolitan Railroad, round the circuit of Boylston, Tremont, Cornhill, and Washington streets,—coming up through Beach street,—a mile and a half; which they actually entered on and enjoy. So of all the other out-of-town railroads that have been located toward Boston. For example: the Lynn and Boston Railroad may come over the Suffolk; the Winnissimmet is allowed by its charter to come across Charlestown bridge and over two miles of the Middlesex Railroad; the Malden and Melrose was located over the whole of the Middlesex Railroad; the West Roxbury had a right to run over the Metropolitan; the Clifftondale has a right to run over the Middlesex the same distance the Winnissimmet does. The Quincy has a right to run over all the railroads it is connected with into Boston; and the Chelsea and Charlestown Railroad has a right to run over the

Middlesex Railroad to Boston, more than two miles: so that by actual legislation, from an early period, this principle is established, that any company which builds a railroad builds it for the benefit of any other companies that the Legislature and cities or towns permit to run over it, as common carriers of passengers, on reasonable terms of compensation for the use. So much for the legislation in this particular.

Now, in the city of Boston, the Board of Aldermen make their locations on condition, reserved in all charters, first, that the city may revoke them at any time after one year, order the railroad out of the street, and give the location to another company, if they please; and second, reserved in all locations or secured under all charters, that the Mayor and Aldermen may permit any other horse railroad company to run over the tracks located, on paying fair compensation, in some cases to be determined by the Mayor and Aldermen, and in other cases by commissioners appointed by the Supreme Court: the uniform mode now is by commissioners appointed by the Supreme Court. On this point, I refer to the third location of the Metropolitan road, made Dec. 31, 1859.

"This location is granted under the further express proviso and condition, that the Board of Aldermen reserve the right to permit the Middlesex Railroad Company, and any other horse railroad company, to run cars over the track so located, by authority of this order." (Municipal Register, 1862, p. 176.)

That is, the whole route through Cornhill, up Washington, to Dover street. In their location of July 1st, 1862, under the bill of last year, by which the remonstrants say they have secured the omnibus route to the Northern depots and ferries, the same right is expressly reserved.

Then, as to the locations of the Suffolk Road, to be found in the Municipal Register, pp. 208, 210, and in City Document, Nos. 43, 64, 71, 90, 1862. There are seven locations of the Suffolk. In its very first location are these words:

"Also, under the further express proviso and condition that the Board of Aldermen reserve the right to allow any other horse railroad company to run cars over the track, the location of which is granted by this order."

On the 210th page, precisely the same reservation is made in

their next location ; and, in fact, every location that the Suffolk Railroad has ever had has been granted on the express condition that the Mayor and Aldermen reserve to themselves the right to locate any other horse railroad over the track thus granted.

So in regard to the Middlesex Railroad. Its third location, Dec. 31, 1859, and its fourth location, Oct. 29, 1862, both contain that reservation. So the third and fourth locations of the Cambridge Railroad contain that very proviso and condition. But further than that, every one of these railroad charters, and various others, to wit, the Broadway charter, the Dorchester charter, the Cambridge charter, the Middlesex charter, the Suffolk charter, the Metropolitan amended charter, contain this provision, — that the Mayor and Aldermen reserve to themselves the right, not only to revoke the location, but to order the whole track to be taken out of the streets. They are bound to remove the rails at any time the authorities order them to ; and it was not until these provisions were inserted in horse railroad charters that the Mayor and Aldermen would give a single location. Broadway charter, 1854, Chap. 444, § 9 ; Dorchester Railway charter, 1854, Chap. 435, § 8 ; Cambridge amended charter, 1854, Chap. 205, § 1 ; Middlesex amended charter, 1854, Chap. 434, § 1 ; Suffolk amended charter, 1857, Chap. 285, § 1 ; Metropolitan amended charter, 1854, Chap. 94, § 1.

VESTED RIGHTS.

Now, how do we stand with these vested rights ? Corporations tried, in the first place, to get a vested right, a perpetuity, in the public highways, but they could get no location ; and when they did get a location, it was only upon these conditions,— that the city of Boston may allow any other carriers of passengers to carry their passengers over those roads, and that, if they refuse to allow it, the city shall have the right to order up all their tracks, and make them remove them ; and then the city can give the location to another company. I apprehend that this legislation and these locations are a matter of bargain with these gentlemen ; and when they put down a road, they put it down on those conditions, and could not put it down under any other conditions ; and this contract is at once the foundation and limit of their right. What do

they become, then ? Mere licensees. They have no greater authority than this omnibus line has. We carry passengers by license of the city ; these parties carry passengers by license of the city — not otherwise. Then, as licensees, having no right to the highways entitling them to object to other carriers using their tracks, but, in fact, taking their licenses on condition that the city or town authorities may at any time revoke their locations and give them to another, or locate other carriers over their tracks, on paying a fair compensation for use, the question becomes wholly one of *public convenience* and *equal rights*. We are brought to that. The question is, what is for the public benefit, and what is due to the parties applying as a matter of equal and common right ?

COMMON CARRIERS ENTITLED TO BEST MODES OF CONVEYANCE.

Here we say, that as common carriers of passengers, we have a right to all the improved modes of conveyance of passengers ; and as it is admitted that the conveyance of passengers by railroads and cars is the safest, pleasantest, and best, that as carriers of passengers, we are entitled to just as good facilities, for the conveyance of our passengers, as any body else for the conveyance of theirs. The petitioners are not — as they have been treated here, and like most persons who apply for charters — applicants to be admitted to do the business of common carriers. They are not applicants for *admission*. They are already established in the business. They have the rights and are subject to the duties of common carriers. They are lawfully doing business under a license from the city of Boston, and are bound to afford to the public the best modes of conveyance ; they are bound to carry them safely ; they cannot refuse a passenger ; and they are entitled to all the privileges, by common right, that any common carriers enjoy. They have now been established four and a half years for the accommodation of the citizens of Boston, and for the accommodation of gentlemen from the country who do business in Boston, and who wish to travel from the several railroads to the extremes of Boston and to other depots. They do their business by a through route, without any change of cars ; they do it for a single fare, and that a low fare. This business they have been lawfully doing for four and a half years.

HOW CITIZENS' LINE AROSE.

You have heard it detailed how this business arose. The people of Ward XI., and of the South End, signed petitions for the incorporation of the Metropolitan Railroad Company, provided they could be carried and accommodated by them as well as by omnibuses, and at as low fares. They have detailed to you how they were disappointed ; how they were not afforded means of conveyance, and how the company raised the fares to about double what they had been accustomed to pay ; that the new class of common carriers did not accommodate them, and that the best men in the Ward, and almost as a Ward matter, signed a subscription paper to take tickets in large quantities, to enable the new line to start. It was started in the first place with only two omnibuses, and it has been raised up to its present huge proportions.

CITIZENS' LINE AS IMPORTANT AND VALUABLE AS ANY IN THE CITY.

They have established a business *as important* to the public, and as *valuable* to themselves, as that of any common carriers in the city of Boston, that do the business of the city—horse railroads or whatever they are. They have some 28 omnibuses, 21 sleighs, and 160 horses, all exclusively for Boston proper, its depots and ferries. They run for fifteen hours daily, between those depots and ferries at the North, West, and South Ends. They make daily 240 round trips, or 480 passages, with their omnibuses, passing a coach one way or the other every two minutes, through Washington street. They furnish daily 5,760 through seats, and they carry yearly 1,541,257 passengers. They net yearly from \$10,000 to \$12,000, upon a capital of some \$30,000 or \$40,000, making a dividend of over 25 per cent. They carry this entire distance for 5 cents, single fare, or 7 tickets for a quarter— $3\frac{1}{2}$ cents each.

COMPARED WITH OTHER CARRIERS.

Now, compare this line with other roads, and see how important the business of these common carriers is. First, take the Metropolitan Railroad. They run exclusively in Boston, their Neck Line, 12 cars. They run them to Cornhill—two-thirds

the distance the omnibus line runs. They make 158 trips a day, or 316 passages. Their cars, they tell us, average 18 seats to a car ; and as the cars on this Neck Line are some of them small, the average cannot exceed 18, I think. I have taken 18 as a fair average. At that average, they furnish 5,688 seats to Cornhill, being less than the number of seats furnished by the Citizens' Line ; and ours furnish accommodation all through the route, theirs only to Cornhill. I leave out, what accommodation they furnish in the lines they run for Roxbury, Mount Pleasant, Dorchester, and Jamaica Plain passengers, for two reasons. In the first place, the accommodation that the city passengers get, they get by crowding the passengers for those places ; they get an accommodation that is not provided for them, and, secondly, they have to resort to standing. Their whole number of passengers last year, on all their roads, was 6,163,877. This road consists of four original corporations, the Brookline, the West Roxbury, the Roxbury and Dorchester, and the Metropolitan ; two of them bought and merged in the Metropolitan and the other leased, with the right to buy. Averaging, then, their 6,163,877 between those four lines, (and they do not give us any reliable data to make another calculation upon,) the result would be 1,280,775 passengers to each road—less than the number carried by our line. Their fares are 5 cents a single trip or 28 for a dollar— $3\frac{4}{7}$ cents each—while ours are sold by the quarter of a dollar, which makes it more beneficial to poor persons, and carry for a longer distance.

Next, take the Union Railroad, which is a corporation running all the roads that pass through Cambridge. They have five roads, I think. They run the Cambridge, the West Cambridge, the Brighton, the Watertown, and the Newton roads. Their whole number of passengers per year is 2,746,419. The average to each road is 549,284 ; one-third less than are carried by the Citizens' Line. Suppose they carry from Cambridge one-half the passengers. That will give 1,373,209 ; less than are carried by our line.

Then there are the dividends. The dividend on the Metropolitan road was 8 per cent., I think ; the dividend on the Union road is 8 per cent. These, compared with ours, show an immense difference in our favor.

Take the Middlesex Railroad. That runs the Boston and Chelsea, the Medford and Charlestown, the Malden and Melrose, the Somerville and Middlesex,—five corporations. The number of passengers they carry in a year, according to the rate they have carried for the last eight months, is 3,211,791. The average to each road is 642,891. Suppose that the Middlesex carries in Charlestown one-half, that would be 1,600,000, just about what we carry; and I suppose that is too much to allow them, considering their proportion of territory.

Take the Broadway road. The Broadway road carried 1,-412,034 passengers. This is a Boston road, running from South Boston to Scollay's building, and carrying nearly as many passengers as the Citizens' Line carries; the difference is about 100,000. They have divided $12\frac{1}{2}$ per cent.

The Lynn and Boston road carries 745,000 passengers; the Dorchester road 639,000; the Suffolk road 427,000, not a third of our number; the Newton road 220,000; the Dorchester Extension 127,000; the Quincy road 122,000; the West Cambridge 71,000; the Stoneham 35,000. We carry more than double the number any other single road carries, except the Broadway, and more than that. We carry more than any single corporation,—the three that exceed us being made up by the purchase or lease of other roads. So that I apprehend my position is correct, that this class of common carriers is quite as important as any other class of common carriers in the country, or any one road, or any one branch of road. It has been heretofore the only line that has devoted itself exclusively to the carrying of Boston travel, and to carrying it between the extremes of the city.

NECESSITY FOR FURTHER ACCOMMODATIONS.

Our next position is, then, that the travel accommodated by the Citizens' Line being as important as any other class in the city or in the State, that there is still a pressing necessity for increased accommodations at low prices. The fact of its travel is one thing, and shows that it has as much travel as any other road, and accommodates the public as much as any other road or branch of a road. But I say there is a pressing necessity shown, apart from what is manifest from the number of passengers carried by this line, for

increased accommodations at low fares. For the people who travel in Boston between the extremes of the city, there have been furnished 5,760 seats daily, and these have been furnished only by the Citizens' Line.

TRAVEL FROM DEPOTS AND FERRIES.

Now, the whole number of passengers arriving and departing daily at the northerly depots and ferries is 36,026; and, adding the number at the southerly depots, the whole number arriving and departing daily by steam railroads and ferries at the extremes of the city is 46,882. The testimony shows that our omnibuses cannot carry one quarter of the passengers who need conveyance back and forth; and the superintendent of one of the railroads has told you that he needs several cars at his depot on the arrival of trains, to take passengers; and if we had a city line and a city express to carry baggage to different points, there is no reason why the great proportion of this travel should not be carried by horse railroads. This is one of the sources that supplies travel.

TRAVEL BETWEEN EXTREMES OF CITY PROPER.

Besides that, the extremes of the city proper, themselves, furnish passengers enough to support any line. They afford a larger field to support omnibuses than any other one horse railroad branch has. For example: By the Census of 1860, the Northern wards, I., III., V., and a half of IV., contain 46,039 inhabitants. The Southern wards, XI., X., IX., and a half of VIII., 50,742 inhabitants. The evidence is that the communication between these two sections of the city is as great as it would be between two distinct cities of the same size situated at the same distance. It is, in fact, greater. The people who do business at the North End, live at the South End, and there is constant travel between the two sections. There is a field large enough, if properly developed, to support a line, without reference to the depots and ferries, larger than is afforded to any line that runs out of Boston.

COMPARED WITH OUT-OF-TOWN POPULATIONS.

Compare the population in the respective places, and it will be

demonstrated. The population of South Boston is 24,291, and the Broadway railroad has carried 1,400,000 passengers, and made $12\frac{1}{2}$ per cent. dividends. The connection between the South End and the North End is similar to that. Take the Union Railroad. The population of Cambridge, Brighton, Watertown, and West Cambridge, according to the Census of 1860, is 35,386. Take the Metropolitan out-of-town line. Take Dorchester (give them all of Dorchester, although the evidence is they could accommodate but part of it), Roxbury, Brookline, and West Roxbury; their population is 46,380. Then take the Suffolk Railroad, which accommodates East Boston with her population of 19,356, and which is important enough for a horse railroad charter. So that when you regard the populations to be accommodated, the populations of the North and South Ends far exceed any of these places to which horse railroad facilities have been extended.

CHANGE AND INCREASE IN EXTREMES.

But there is another fact here that it is extremely important to consider. The South End and the North End sections of the city are rapidly changing. The South End is increasing. The Back Bay, the Water Power, and the lands that the city is filling up, are rapidly increasing the population of the South End, and the probability is that it will be doubled within the next decade; whereas, at the North End, the people are removing South, and that section of the city is being devoted entirely to business. The deep water is all there, and if horse railroad facilities could be furnished to develop that part of the city, it would be turned into the most profitable part of the business property in the city of Boston, and would be used for that purpose entirely.

CARS AND OMNIBUSES CROWDED.

Now, apart from these sources of supply, and what we know of the growth of the city, the evidence before you is overwhelming that there is a pressing need now of greater accommodations for those who wish to travel on these lines. The evidence is that at all the hours, when people are travelling, both omnibuses and cars are crowded to overflowing. When people want accommodation, at

the hours they travel, the cars are crowded and the omnibuses are crowded. In the words of Mr. Homer, one of the remonstrants' witnesses, they are so crowded that a fly can't hold on. The evidence of some of the witnesses is, that the passengers hang by a foot on the steps of the cars and the platforms. We have heard of from forty to sixty being the usual number in the cars at these hours ; we are told of having from twenty to thirty in the omnibuses, and that they are crowded and loaded down. We have had Roxbury and Mt. Pleasant passengers complaining that they are crowded out by the Neck people, and the Neck people complaining here that they cannot get in at all, but are crowded out by the facilities given to the Roxbury people ; that they often walk down town and up town without a car reaching them. Now, it is no answer to this positive evidence that these things are so, and that men ride in the cars and cannot get a seat one time in ten—which such men as Benjamin Smith, Samuel Topliff, Thomas Adams, and a score of witnesses from South End, Mt. Pleasant, and Roxbury, say are *facts* not to be controverted — for the Metropolitan Road to come here and say that when people do n't want to ride they send out cars with plenty of vacant seats, or that they furnish them on lines where nobody does ride, and bring in those cars which they send out at such times to make up what they call an average. All the cars that they run on these profitless lines in the country, all those that they run in the middle of the day, when people do not want to ride, they bring in to make up their average ; and they have picked out a day that they call an average day in February, and bring it in here to illustrate the facts. If the Committee will look at the Report of the Metropolitan Railroad Company for the last year, they will see that they carry fewer passengers and receive less money in February than in any other month ; and that in some months they carry double the number that are carried in that month. It would have been more satisfactory if this company had brought in their daily record of passengers, for which we have called, and had further given us their daily number of free passengers, that crowd their cars. If further evidence is wanted on this matter of want of accommodations, you have the evidence of your own senses, for this Committee can see these cars and these omnibuses crowded to overflowing every day, notwithstanding the cars

added when this Committee is in session on the "Hobbs petition." Common carriers are bound to furnish the means of conveyance when people want to go, and to the places to which they wish to go. That is their duty to the public. It is nothing to me that they run a line where I do n't want to go or when I do n't want to go. It is when the public need it that they should do their duty.

METROPOLITAN'S REMEDY — PROMISES AND DEFAULTS.

But the Metropolitan Railroad say that although this has been so in the past, they can now, having got the right to go on our omnibus route to the depots and ferries, furnish all the necessary accommodations. Well, what do they propose to do? They tell us that they are going to add eight cars to their twelve on their Neck and Tremont Lines, and run by Berkley street and the depots and ferries at the North End with the twenty cars; and they propose that these shall supply the place of the omnibuses. But those eight cars will not carry any more than sixteen of our omnibuses now carry. They would need twelve cars for the passengers that our omnibuses carry alone; and the evidence is, that the business presses on us so hard that we shall be obliged to add ten omnibuses next year, and we have only been kept from it thus far by the hope of getting horse railroad facilities. They suppose that these eight cars are going to furnish accommodation to the 46,000 people who come in at the depots and ferries and return daily, and to all the increasing travel between the North and South End. That is what they propose to do — that is *all* they propose to do; and they propose to drive off the omnibus line so as not to encumber the streets with it. The people, they admit, are growling for additional accommodations; and the Metropolitan Railroad Company proposes to throw a bean into the mouth of the lion! They have not risen to an appreciation of the wants of the public. There is more than all these carriers can do, if they are all kept running. But, let us see how the Metropolitan Company are going to get along with their proposed system. In the first place, the city has not given them any location through Berkley street, and by the Providence depot. They say they have made application, but the city has not given them the location, and

it is very uncertain whether they will, unless they perform their duties better. Now, the Metropolitan Company proposed, at the outset, to give the people of Ward XI. all these accommodations. They have promised them every year that we have been making this application to the Legislature; and they have not given them yet; and there is no certainty they ever will, whatever they may *vote* to do. The omnibus line still remains, as it has been from its establishment, the only means of accommodation that we have got.

Let us look a little further. On the 19th of August, 1861, the Committee on Paving reported a location for the Metropolitan Railroad, to run down to the ferries and depots on the track which they had given the Suffolk company, and which the Suffolk company built two years ago next May. (City Doc. 48, 1861.) They never called that report up in the Board of Aldermen to be acted on. The Committee the same day reported in favor of making their temporary location through Harrison Avenue a permanent one. That they called up, and the order was passed. The Suffolk company, when they got that location, got it subject to the right of the Metropolitan road to run over it, on condition that it should consent to the Suffolk road running its cars round the circuit of Boylston street. (Suffolk R. R.; 3d Loc., Municipal Register 1862, p. 209.) Well, gentlemen, you will find that this location was not consented to by the Metropolitan company. So that while the Metropolitan company, ever since 1861, could have run down to the depots and ferries, and accommodated this through business, if they would consent that the Suffolk company should go round the circuit of Boylston street, they refused that consent, in order to prevent the Suffolk going round there, and did not do the business. That track was not used by either the Suffolk, who had the location given them, or the Metropolitan road. When the Suffolk company came last year to the Legislature and asked for a compulsory location round Boylston street, where the city of Boston had located them, the Metropolitan company appeared here and opposed that location; and when a minority bill was reported, the Metropolitan company opposed it, and it was not until a compromise was made between the two, by which a new location was secured on the route of the Citizen's Line of omnibuses, that the bill itself was carried. For one year they have had the

right to make that location, but there has been delay about it. It is said here, that in one week of pleasant weather that road could be built, and they would build it. Well, we have had, since the location was granted, last November, pleasant weather enough to build the road.

REMEDY DOES NOT MEET THE CASE.

But, Mr. Chairman, suppose these two lines of road were actually built and in operation, how is the public want met to these depots? They have their location, their right to carry passengers there, and are carrying them. Where is the Citizen's Line of omnibuses? It remains as before, a common carrier of passengers, still carrying its passengers in the streets and to the depots. It has its million and a half yearly that it transports, and the same necessity exists for supplying them then with the best modes of transportation that exist to-day. That these two roads carry their passengers by railroad to and from the depots and ferries, does not give the Citizens' Line of omnibuses railroad facilities for their passengers, and the want exists then just exactly as it does to-day. Do they suppose, that by this location on the line that the Citizens' Line of omnibuses travel, they are going to drive these omnibuses off? They will find themselves greatly mistaken. They will never realize their self-deluding hope, nor that other pitiable suggestion set forth in their Annual Report, concerning the omnibus line: "We may well hope that their petitions, if pressed at all in future, will be urged more with a view to sell their equipage, than from any rational hope of success." No; these common carriers, who have built up this business, will still maintain and have that business. They will carry on their business the same as before, and they will then want to use the streets to which they are entitled, for the best modes of transportation, precisely as much as they would if these two companies had not anticipated them last winter, and undertaken, by a combination, to get this route away, and to carry passengers through the city. If such is the purpose or would be the effect of the combination, then the Citizens' Line are entitled to this bill for their protection, as a matter of fair dealing. So far, then, as regards the Citizen's Line, their claim, as a question of equal rights, remains precisely the same.

HIGH FARES.

But this route will not accommodate the people in the particular of fares. By their location of December 9, 1862, it is provided that they may charge five cents on that route. In City Document, No. 87, which gave them their right of location, it is stated, page 4, that it is made "under the express provision and condition, that the said Metropolitan Railroad Company shall not charge for a single fare, in the aforesaid Boston Neck or Tremont street cars, over the route set forth in this order, to and from Camden street and the stations of the said steam roads or ferries, a sum exceeding five cents." As late as December 9, 1862, then, in getting the location to these ferries, the Metropolitan company got five cents established by the city government as the rate of fare, and nothing is said about the issuing of tickets twenty-eight for a dollar; and by their other charters, it is provided that they shall not charge exceeding five cents, except with the consent of the Mayor and Aldermen of the city of Boston. The consent relates to a charge of over five cents; they have the right to go to that limit, unless the city resorts to the extreme measure of removing their tracks to compel them to reduce their fare.

It was stated here, gentlemen, by the counsel and witnesses for the Suffolk road—and I wish to call the attention of the Committee particularly to this point—that they were under obligations, in the first place, to carry passengers from the Revere House to Boylston street for a cent and a half a passage. I shall not undertake to say how it was attempted to be explained afterwards; the impression was given to the Committee that it was an extremely low rate of about a cent and a half to Boylston street, or at most, two and a half cents per passenger. The counsel for the Metropolitan road here to-night have told you that a passenger could be carried there for three cents, from any point on the Cambridge road. Now, I propose to give you the truth as to that matter, and to explain it as it is. I am aware, gentlemen, that I am using dry statistics, but they are facts which cannot be denied, and they are to the point. By the sixth location of the Suffolk road, October 20th, 1862, which was made over the Cambridge tracks, the Suffolk road were to take the checks of the Cambridge road sold to its

passengers in its cars, good to Boylston street and *return*, or to depots and ferries and *return*, and the tickets sold by the Cambridge road, at any point on its route good in the Suffolk cars, for any point on the Cambridge road where they ran, *to* depots and ferries, or *to* Boylston street, and settle with the Cambridge road for such passengers at five cents for checks and three cents for tickets. That is, the Cambridge road are to issue checks, saying "good to depots and ferries and return," or "good to Boylston street and return," in which case they were to pay to the Suffolk Company for those checks five cents. This "and return" means good on the return route, and nothing else. The passenger goes beyond Boylston street or goes beyond depots and ferries, and it makes one passage; and the "good to return" means, to pass him by Boylston street or by the ferries, on the return route, and they take the checks when he gets out. It means one passage beyond Boylston street or the ferries on their route. Now, as to the tickets. They (the Suffolk R. R. Co.) are to take tickets to the ferries and to Boylston street, or either of them, and settle with the Cambridge road for three cents. This whole provision relates to their transactions with the Cambridge road and how they shall settle with them; but what does the passenger get them for? That is the question. It is answered in the location of the Cambridge road, which is found in City Document No. 72, 1862, where it is provided that the Cambridge road shall sell its tickets and checks each for five cents. Therefore, it is not true, as stated here, that a passenger could go from Bowdoin square to the depots or ferries, or to Boylston street, for $1\frac{1}{2}$, $2\frac{1}{2}$, or 3 cents; he is obliged to pay 5 cents for it.

Now, I present to the Committee this consideration, that these roads, while they pretend to you that they mean to reduce their fares and carry for a low price, really mean no such thing. That the very last opportunity they had of fixing their rate, (no longer ago than last December,) they provided that these tickets and these checks shall cost the passenger five cents. In the location of the Metropolitan road, as I have already shown you, they have put the fare at five cents, and it is their intention, if they can destroy the omnibus line and competition, to return to the fare of five cents throughout the city. I refer to the Report of the President of the

Metropolitan Company for 1862, and call your attention to what he says on page eighteen of that report: "Should our currency continue to depreciate and prices to advance, it will become a serious question whether it will not be (ultimately) necessary to effect a change in the price of tickets." And here I will call your attention to the case stated by Mr. Huntress, of the old lady who took their cars at Park street for Harrison Avenue, and was compelled by the conductor to pay two fares of five cents each in the same car; one to their office, corner of Bromfield street, and another in Cornhill, notwithstanding the provision of their charter, that their fare shall be but five cents between any two points in the city of Boston. They have it, therefore, now in contemplation to make a change in their prices, and I say, taking what they say in their report, taking what they indicate in their location, and taking the price that is fixed in the location of the Cambridge road, it is conclusive that they mean to have a fare of five cents, and that between as many points in Boston as they can get the Board of Aldermen to fix as termini of their routes. Now, gentlemen, they can come and make statements here with the fear of the omnibuses and the Legislature before them, but when these are withdrawn, they act as they please; and it is this disposition on the part of the Metropolitan Railroad that has determined the people of the South End and of Boston generally, to have an independent line.

PUBLIC GAIN BY TRANSFER.

I call the attention of the Committee, now, to considerations that are apart from the increased accommodations that will be furnished by a readier mode of transportation. It is for the benefit of the public, on other grounds, to allow the Citizens' Line to do their business on horse-cars instead of with omnibuses. By a change from omnibuses to horse-cars, the great inconvenience we are now experiencing in consequence of the use of the same streets by two different lines of omnibuses and cars, will be avoided. These inconveniences are, narrow streets, blocking them up, collisions, crossing railroad tracks for passengers, loafing of omnibuses on cars to catch passengers, heavy wheeling and hard sleighing by reason of snow cleared from the tracks in winter, rutting and crushing the pave-

ment, and the difficulty of subjecting both companies to uniform regulations. All these difficulties will be obviated by the use of cars instead of omnibuses. In the document that has been referred to by the counsel on the other side, the Report of Mr. Otis Clapp, all these difficulties and dangers are pointed out as things that would be avoided by the substitution of cars for omnibuses.

In City Doc. No. 58, 1859, he says: "One great object and use of the common railroads seems to be to bring the million to the city, while that of horse railroads is to distribute them, as well as our own citizens, through the city." "No means of communication has yet been devised which can transport so large a number of persons through the streets, with so much ease and so little public inconvenience." The presence of the railroad track, as a fixture in the streets, has its disadvantages ; it has also its advantages. "The very fact of its being a fixture enables the driver of a carriage to govern himself accordingly." "It is a well-established fact, that crowded streets, with horse railroads in them, are less liable to be blocked than those which have none, for the reason that the cars help to keep an open communication." "It is also well established that there is no mode of conveyance less liable to accidents." "The number of passengers carried upon our railroads for the last year was nearly eight millions." "The transportation of this number through the streets by omnibuses, or any other kind of carriages, would operate as a thorough blockade." He arrives at the conclusion, and reports to the Mayor and Aldermen of Boston, that "Horse railroads, in large thoroughfares, are a relief, as well as a convenience, rather than an obstruction."

You have had the testimony of Mr. Hathorne as to the collisions that have happened during the last week. He spoke of three cases where his omnibuses have been smashed by such collisions. He spoke of the danger of getting into omnibuses when a car was coming along. Mr. Turner has told you of the rutting up of the street by the omnibuses and the danger resulting therefrom ; and it is admitted by the Metropolitan company that the omnibuses now do more harm to the rails than would be done to them if the Citizens' Line carried its passengers in cars on their tracks. If that is so, why do they object to any common carrier

using their tracks and doing them less damage, but paying them a toll rather? They have received their locations and the right to put down their rails on condition that the city may allow any other cars to run over them. The omnibuses are doing them damage now, and wearing out their tracks and the streets, and still they come here and object to the omnibus company running cars on their lines. They run one wheel on now, why should they not run on both? These persons do not ask to go on gratis; they are willing to pay a fair compensation. That compensation would probably be such a proportion of the interest on the outlay as the tracks are used by these cars in proportion to their own. The principles are well fixed and well settled. This income and saving to them would enable them to reduce their price of fares and carry cheaper, and it would be better for the public in that respect.

It has been testified to you that these omnibuses are noisy, that the running of both cars and omnibuses in the same street is a nuisance; and it is admitted; and the abatement of this nuisance would be one public benefit that would result from the transfer proposed. Indeed, so desirable is it to remove the omnibuses, that the city of Boston made the second location of the Dorchester Avenue, the third location of the Middlesex, and the third location of the Metropolitan railroads on the express condition that they shall run no omnibuses within the city limits. [Mun. Reg., pp. 195, 104, 197.] And the Metropolitan company, in their annual report for 1862, say "that the pavement is often crushed by their weight and momentum." It is further agreed by all, that by allowing the Citizens' Line to run cars instead of omnibuses, they can carry double the number of passengers with the same number of vehicles, and by confining them to a fixed track, and by passing them in a continuous line, the capacity of the narrow streets of Boston will be largely increased.

OBJECTIONS ANSWERED.

With all these inconveniences to be obviated and all these advantages portrayed to you, what are the objections that have been brought by this company to the granting of this charter? They have but two. The first is, that one car will loaf upon another,

and there will be a delay in travel. Now this loafing, it is admitted by their own witnesses, exists already on their tracks. Every one who has been called to testify on this subject—Mr. Stiles, Mr. Page, Mr. Studley, Mr. Bonney, Mr. Hathorne—testify that the loafing comes from their own drivers; that it is the ambition and rivalry between their own drivers that produces this loafing. They say they loaf now on one another; that the difficulty exists, and they cannot stop it; and they testify that if any additional cars were put on, the same loafing would take place. Then, it is in evidence that there is no loafing when rival lines are permitted on the same tracks. It is testified that the Broadway cars do not loaf, and there has been no complaint on that ground. It is testified that the omnibuses loaf more on cars than cars do on cars, and the cars have no way of retaliating so as to force good conduct.
I submit that this loafing would be stopped most effectually, by more efficient regulations, if the money obtained by it went into the pockets of different companies, not of one company alone.

The other objection that the Metropolitan company have made, is that it is difficult to collect the compensation. Well, gentlemen, the reason of that is set forth in the Report of the Metropolitan railroad. They undertake to give the history of this difficulty on page 12 of their Annual Report, (1862,) and I will give you what they undertake to say. They state that their claim upon the Broadway railroad has been left to commissioners to hear the case and award compensation, and that those commissioners award to them an annual toll of \$2,396, "which falls below the reasonable expectations of your Directors." They say, "They undertake to fix the cost of the tracks used by the Broadway line, exclude counsel fees from this computation, and add to it all payments made by us for widening and paving the streets upon the section in question, most of which we charge to current, annual expenses. After aggregating these sums, they apportion simple interest on the capital thus found, together with the annual cost of maintaining the section, upon all the cars using the same; and as the Broadway Railroad Company supply rather more than one-fifth of the cars which traverse this section, they require that company to pay to us one-fifth of such interest and cost of maintenance, as an annual toll." Now, of this fair compensation they

complain, and they give this reason for it. They say, that "In fixing the toll upon steam railroads, under similar provisions of law, it has been a very general practice not to pay interest upon cost, but to give each railroad the greater part if not the whole of the net earnings of others upon its line." So, that it is the rapacity of the Metropolitan company that has caused this difficulty in getting their compensation ; it is because they demand the whole income earned on their road, and demand that railroad companies should pay its costs of counsel and *lobby* in fighting them here, and before the city government, although such companies are, at length, the *prevailing party*. Then, they abuse the commissioners for having awarded what I say is a just and fair sum.

Another objection suggested by one of the Committee is, that the three hundred feet regulation cannot be observed. The evidence is that it is not observed now, and cannot be ; and Mr. Speare tells you it is an *unwise* regulation. But they admit they must put on more cars, and can it be better observed if they and not we put them on ? I apprehend that it would be better for the other travel on the street if the cars went four or five together, rather than singly. Let one car, going to the Norfolk House, one to Warren street, one on the Citizens' Line, and one to South Boston, go together, and let them leave a thousand feet between them and those that follow, instead of three hundred feet between each one, and I submit that that would be infinitely better for other travellers. They could pass much easier with such an arrangement than by undertaking to dodge between them. It has been shown to you that it is perfectly impracticable to keep them at equal distances, and that they do run along now very generally half a dozen together, and then with a long interval ; and I say that is altogether the better way. They move at the rate of only four or five miles an hour, and they can be stopped in half the length of a car. At all events, if the companies do not regulate the matter, the city, with whom it is left, will.

These are the only objections to the use of their track : loafing, the three hundred feet regulation, and their not being able to collect the required compensation. These are the only three objections that are urged against all these great public advantages. They will let their track be ruined, as the president says in this

Report, by the crushing of the rails caused by the omnibuses passing of them ; they will let collisions occur ; they will keep another common carrier dodging across the track when it meets a car coming in the opposite direction ; they will let passengers endanger their lives by undertaking to enter an omnibus or car when the other vehicle is coming ; they will let the noise and confusion that arises from the omnibuses still continue to exist ; they will prevent the streets from affording the fullest accommodations possible, by refusing to allow the omnibuses business to be transferred to cars — and all because, they say, there may be some little loafing, which already exists with them, because they cannot collect their compensation, when the trouble is in their demanding the whole earnings instead of a proportionate part of the interest on the outlay, and because of the three hundred feet ordinance, which they do not observe and cannot observe. We must be deprived of the use of the streets, to which we are entitled, the public be incommoded, and their own stockholders suffer, on groundless pretexts like these. If they should save their tracks, if they would take as compensation a fair proportion of the interest on the outlay, for the parts of their track used, they could reduce their fares, and pay as large a per centage as the omnibuses do now, or as the Broadway company pays.

It has been represented here that the Metropolitan company have recently increased their capital a hundred and fifty thousand dollars, making \$750,000 ; and the supposition has been that it was to provide cars and equipment for this route ; but on turning to their Report you will find that they have used this capital to pay debts with, to build a stable near the Norfolk House, to accommodate the West Roxbury route, and to build a *grist mill!* They have not raised one dollar to provide for any new equipment, as is shown by their Report.

COMPETITION.

But it is said that the granting of this charter will bring a competitor into the field—that this will be a competing route. It is now a competing route the whole distance to Cornhill, and has been for four years and a half. If it is to be a competing route beyond Cornhill to the depots and ferries, it will be a competition caused

by their own action in getting a location for a railroad to the ferries and depots on our route, when they already had one. The competition is their competing against our route by coming on to our line and trying to draw off from us the business which we have developed. But grant that ours is a competing route ; all history teaches that competition is the life of a people, monopoly its death. To its continuance we in Boston must owe all the accommodations we shall get at fair rates. The bill of last year, gentlemen, was intended for more than simply to bring them into competition with us ; it was intended to drive us off entirely and destroy the route by filling up the streets that we run through and endeavoring to get the Board of Aldermen to drive us out of the way. I have now answered every objection that has been brought to this route. I have shown that they have no sort of claim to be heard at all, here, because they took their locations upon the condition that the city might run any other line of railroad that they thought proper on their track, and that the city authorities, with whom they made their contract, are, by our bill, to determine the question. I have shown, further, that the loafing which is complained of exists on their own route more than it does on any of the lines that run over it. I have shown that the three hundred feet ordinance cannot be enforced ; and that the reason they have not got their compensation readily is because they demanded all the earnings of the road.

MONOPOLY.

I propose now to say something on the question of the tendency of this corporation. The great objection to the Metropolitan company is that its whole purpose appears to have been, from the outset, to destroy all competition, to establish a monopoly of the transportation of passengers by horse railroads, and to build up a company powerful enough to defy opposition, and control the government and legislature on this subject of horse railroads. I say that this is the main tendency and purpose of the company to-day ; and that their opposition for years to the request of the Citizens' Line, for reasonable accommodations, has arisen from this disposition. It will be remembered, that in their first charter, they had the option granted them, either to become a city railroad or an out of town railroad run-

ning into the city. It provided that they might bring Roxbury passengers into Boston through the city, or that they might build their route wholly in the city ; and they elected to bring Roxbury passengers in. That was the position they started on. Their first route brought them into Boston to the Granary burial ground ; and in getting that location, they got a location over the three great avenues at the South End, one of which, the Suffolk street, they did not build, but they got the location to keep off all competition ; and the successive steps that they have taken since then have been to get complete control of the carrying business and to shut out competition. In pursuance of this plan, they have extended their tracks by location after location, eagerly seizing any that the petitioners have, at hearings here, pointed out and asked for themselves, and they have bought the Brookline road, and the West Roxbury road, and have leased the Dorchester road, with the right to purchase, and control all the roads that come in on that side of the city. They mean, if they can compass it, to force the Suffolk and Broadway to sell out to them, and the proof is that, while they admit that the three corporations are now authorized to run on our omnibus route and on the same tracks, they are constantly harping on a necessity for one corporation to do the whole carrying business in Boston. They lay down the principle here that they must own them all, they must get control of them, and that they shall surely swallow up any little road. They offer to buy off the omnibuses ; and the whole scope and object of the corporation is to control the business, and that for the purpose of keeping up the fares. Now, when these branch roads that have not been opposed by the Metropolitan company have got their charters, they have usually had in them a clause giving the corporations a right to sell, and members of the Metropolitan company have themselves usually been corporators, or interested in getting up these roads. Afterwards, they are sold out to the Metropolitan, and when the Metropolitan has purchased a road it adds the capital of that road to the capital given by its charter. Its original capital was \$500,000, and they claim now that they have a capital of \$1,200,000. On page 6, of their Report for 1862, they say, "The company, by its charter and the purchase of the franchises of the Brookline and West Roxbury

railroad companies, appears to be empowered to hold a capital of \$1,200,000." That is the statement Mr. Derby made. Now, if they take that for their capital now, and if they buy the Dorchester and Roxbury road, there would be \$200,000 more; if they buy the Suffolk road—and the Suffolk road seems to be ready to be sold, its President seems to be of the opinion that all these smaller roads are prepared to be swallowed, and that is their normal condition, and the Suffolk road had a clause put into its charter giving the company a right to sell—there would be \$200,000 more; and if to that is added the Broadway road, there would be \$250,000 more—making an aggregate of nearly \$2,000,000 of capital.

MR. DERBY. All added by the Legislature.

MR. MERRILL. Very well; that is one of the troubles—that they get influence enough, through their large stockholders and others, to overrule the voice of their small stockholders, and the small stockholders are injured by their operations. Instead of being the most profitable line that could run, as profitable in proportion as the omnibuses are, they do not get half the net profit that they should from the field they have got. They get all their stockholders to bear upon committees of the Legislature, to force through their bills, and it is this that they seek—*power* as well as profit. Why! now, we find them sending their stockholders, year after year, to Committees and members of the Legislature, dinging into their ears—"you must take care of me!" instead of regarding what is for the public interest.

But it is by no means certain that one corporation, by buying the franchise of another, which is authorized to sell, acquires the corporate right to add the capital of the acquired corporation to its own.

Now, it is very significant, that the Metropolitan road should take this way of getting capital. In 1859, the Legislature passed a bill allowing them to increase their capital \$400,000, but put in the condition that it should have the right to repeal, amend, or annul their charter at any time; and if the Metropolitan company had accepted it, they would have come out from under the protection of the fifty years' grant, as they thought, and I have never seen any record yet that that bill has been accepted by them. They thought they should strengthen their position a little by hav-

ing a charter running fifty years, and they would not accept that bill, because the right was given to the Legislature to repeal their charter. I think they would have done better to accept it, for the power that the city of Boston retains of ordering up their rails would render their charter of little value in case of abuse; but they did not do it, and so they seek by this roundabout way to get up a capital and issue what they please. Thus they defy the Legislature as to their amount of capital, as last winter they defied the city of Boston, in removing the snow from their tracks, when prohibited. Now, one would think, from the manner in which the Legislature and the city government have passed upon their fundamental rights, and upon the compact by which the city allows them in the streets, that there would be an end of their talk about vested rights; but still they come before every Legislature and say that there are certain rights vested in them, that they have paid for them, that they have a right to protection in them, and that neither the city government nor the Legislature can lawfully allow anybody else to use the public streets as they may find the public convenience requires, because of their own *vested* rights. They promulgate this doctrine constantly. It is a dangerous doctrine; and it was against this doctrine that the Suffolk and the Citizens' Line contended last year. The true principle was vindicated in the House and Senate, and both bills would have been carried through the Senate had it not been that, in an evil hour, the Suffolk company consented to a compromise with the Metropolitan company to secure their rights, and deserted the principle; and this year they come in and back up the Metropolitan company in the very doctrine that they fought against last year. This shows the dangerous influence of these monopolies and of these corporations. Either under a promise of purchase or of giving some exclusive advantages to them, or of aiding them, they have taken one advocate of true and correct principles and brought it over to advocate and sustain their false and dangerous policy. And they cheated the Suffolk company in the bargain. They consented that they should have a circuit round through Boylston street. That is the first thing. What has been the value of it to them? They have run it for a year, and the testimony is that they

do not get five passengers a day on that route, and that it would not pay them for the lubricating material they use on their wheels. What else did they promise them? They promised that they might go up to the Providence depot, if the Metropolitan company got a location. Well, they have got no location, and so the Suffolk company have gained nothing there. They promised them that they might go up to the Worcester and Old Colony depots, but they caused the insertion of a clause into the bill providing that they should not go there without the consent of the Broadway company, and the Broadway company will not consent, so that the Suffolk railroad can carry no passengers whatever from the North End to the depots at the South End. All railroad companies now entering Boston were established to bring suburban passengers into the city proper. It is in evidence that the Middlesex, Cambridge, Broadway, and all others but the Metropolitan and Suffolk, are each content to develop and do the business for which they were established. We think it would be for the public benefit for the Suffolk to devote itself to develop and accommodate the business from East Boston and its environs, with such as it may have on its way to its best selected terminus. If it should unfortunately fall into the hands of the Metropolitan Railroad, East Boston would be treated as South End has been. The Metropolitan has an ample field enough in Norfolk County, with such city travel as it naturally takes on her city route. In trying to do more, she neglects her established field. But we make no objection whatever to any routes they may deem to be for the advantage of their passengers or the public, and cheerfully offer in our bill all our routes to them on the terms we ask from others. All the petitioners want is equal rights. Our citizens ask a road solely for Boston proper and considering that our streets have been heretofore so generously given up to out of town roads, it would seem but little to give them one road of their own.

ABUSE OF THEIR OPPONENTS.

There is another objection to the Metropolitan Railroad Company, and to its course of proceeding. When any persons or any class of people advocate the true and correct principles of political economy and of government, and when they dare to enter the field

against their pretensions, they cover them with obloquy and abuse. I refer to their Annual Report, under the head, "Relations to the Omnibus Line," for proof of that position. They have, in this report, propagated abuse and slander of the proprietors of the Citizens' Line. They have there represented these men as resorting to political influence for the purpose of getting their bills through. Of the Metropolitan, that tale is told. They have stated that three successive committees of the Legislature have been satisfied that it was not proper to grant this bill, but still these men get some influential politicians to take hold of the matter in their behalf, and they hope to sell out their line by this means. The intimation is, that they are working only to sell out their line of omnibuses. It is stated in this report that the judgment of three Legislatures has been against us, and that is the position that has been taken by counsel here to-night. How is that? The truth of the matter is, that while a majority of the committee, having been in the interests of the Metropolitan or the Suffolk road, have not given us a Report, an honest minority has always been found to resist the influences that have been brought to bear, who have given us a Report, and that Report has been, every time, carried triumphantly through the House of Representatives. The first year it was carried four to one; the next year it was carried by a very large majority, I should think a third or more; and last year, even after having the Minority Report killed in the Senate, by great effort on the part of the Metropolitan company (and I only state what I know), it was carried through the House by a large majority. Its friends were in the majority in the Senate, but it was taken up on an occasion when some were got out of the way, and killed. Its opponents had not the courtesy to allow it to be put over to another day, and decided on its merits. I say that any bill which can stand against the Metropolitan company and its agents, brought here from every county in the State, to use their influence against it, must have merit in it; this is the evidence of its merits.

WANTS OF SOUTH END.

Now, we of Ward XI., and the South part of the city, are almost unanimous on this subject. Every Representative we have had

since I have lived in that Ward, of whatever party, has supported this measure. The people sent more than 4000 signatures one year to the petition, and last year 2500 of our best men signed the petition, but the committee was of such complexion on these matters that it was not regarded. Now, the people of Ward XI. have come here this year, asking to have justice done them in this matter. The proprietors of the Citizens' Line of omnibuses, and the people of Ward XI. wish horse railroad facilities and the best modes of transportation. That is what we ask at the hands of the legislature. We say it is unjust that we should be obliged to support expensive lines in the country by our fare, when we could have a line that would carry us for 3 cents the whole distance in the city. We point to the Broadway railroad as an example. They make $12\frac{1}{2}$ per cent. on less passengers than we carry. They have only 24,000 population ; we have these two large sections with a population of 46,000 and 50,000 respectively, and we have all these depots and ferries to carry from, and here are responsible men who are willing that a clause should be inserted in the bill providing that they shall carry between any two points in Boston for $3\frac{1}{2}$ cents. We want a through city line at low fares. We say, further, that, we are not coming in to set up a new business ; we are doing the business now, and we ask from you the same privileges that you give to others. If Malden, or Melrose, or Stoneham, or Lexington, or West Cambridge, comes here and asks for a horse railroad to do their business, you give it to them ; but when these petitioners who want railroad facilities between the North and South End, come here and ask for them, not only for their own benefit but for the benefit of people in the country who do business in Boston, they are abused. We have had a specimen of that abuse here. Mr. Thomas Adams, the late sheriff of Norfolk County, and Mr. Moses Clark, have been abused because they sold out Mr. King's Roxbury line. What are the facts ? The establishment of the Metropolitan railroad had made the owner of this line, which was worth \$200,000, insolvent. Mr. Moses Clark and Thomas Adams were assignees in insolvency, and they had to sell the line of omnibuses to pay the insolvent's debts. Its value was so depreciated that it was not safe for the assignees to run it, even if their authority had been adequate. The Metropolitan com-

pany bought it to remove competition and prevent competition. It was not sold for private emolument. The money was distributed among the creditors. Has that anything to do with this question? Then they say that Mr. Hobbs sold out his line to Mr. Hathorne. He did; but that was before the railroad was thought of. They say he gave a bond to Mr. Hathorne. If he has ever violated his bond, Mr. Hathorne has his legal remedy. He has never intimated such wrong. Then they say that Mr. Hathorne sold out his old line of omnibuses to them, and they have got bonds from him. If this evidence had not been ruled out by the Committee, I might have shown you how they cheated Mr. Hathorne, by getting his line, which cost him \$100,000, for \$60,000, by false pretences; how the stock was *watered*, and go over that whole transaction, and put that thing right; but it is only necessary to say to you that if they have got Mr. Hathorne's bonds, and if he has done them any wrong or any damage, let him pay for it. If they could have shown in truth any cause of action against him, they would have pursued him long ago. But it is not so. It has been asserted that these men got the Citizens' Line up, but that is not so. The line was got up by citizens of Ward XI., in consequence of the failure of the Metropolitan company to give them accommodations.

CONCLUSION.

It is unpleasant to me, gentlemen, to have to say anything to the disparagement of any corporation or any class of men; but when in their annual reports, in order to build up their monopoly, they abuse not only their own referees for their judgment, but respectable citizens of Boston, simply because they are in favor of cheap fares and through routes, and are true to sound principles of legislation, it becomes my duty to take notice of such efforts.

I am obliged to you, gentlemen for your attention. If I had had time, I should have presented the facts of the case more clearly, but I trust you will give this matter the consideration it deserves, and will be guided by nothing which counsel on either side have said, unless it is supported by the evidence. In that case, we shall be satisfied that you have done your duty, however your results may accord with our convictions of what we are justly entitled to receive at your hands, and at the hands of the Legislature.

APPENDIX.

Population of Southern, Northern, and Western extremes of Boston, to be accommodated by proposed horse railroad,—Census of 1860:

SOUTH OF ESSEX AND BOYLSTON STREETS.

Ward XI.	.....	20,519
" X.	.....	13,430
" IX.	.....	10,428
" VIII. ($\frac{1}{2}$)	.....	6,365

Rapidly increasing. 50,742

NORTH OF STATE, COURT, AND CAMBRIDGE STREETS.

Ward I.	.....	17,189
" III.	.....	14,901
" V.	.....	10,425
" IV. ($\frac{1}{2}$)	.....	3,524

46,039

Increase in Ward XI. from 1850 to 1860..... 10,039

Population outside of city accommodated by Metropolitan railroad :

Dorchester.....	.....	9,769
Roxbury .....	.....	25,137
Brookline .....	.....	5,164
West Roxbury .....	.....	6,310

46,380

Increase from 1850 to 1860..... 17,531

Population accommodated by Cambridge railroad and branches (Union R. R.) :

Cambridge, Brighton, Watertown, West Cambridge, excluding Newton	35,386
---	-------	--------

Increase from 1850 to 1860..... 13,766

Population accommodated by Suffolk :

East Boston.....	19,356
------------------	-------	--------

Rapidly increasing.

Population accommodated by Broadway..... 24,921

Rapidly increasing.

Daily travel on railroads and ferries in and out of Boston, as given by the companies (by estimate), for 1862:

SOUTH END.

— TRAINS.—

	Arrive.	Depart.	Total.		Arrive.	Depart.	Total.
Worcester railroad.....	32	33	65		2,195	2,261	4,456
Providence railroad.....	21	21	42		1,700	1,700	3,400
Old Colony railroad	15	15	30		1,500	1,500	3,000
—	—	—	—				
Total					5,395	5,461	10,865

WEST END.

Lowell railroad	10	10	20	1,591	1,591	3,182
Eastern railroad	13	13	26	2,480	2,480	4,960
Boston and Maine railroad ...	21	21	42	2,753	2,753	5,506
Fitchburg railroad	10	10	20	1,900	1,900	3,800
Total.....	—	—	—	8,824	8,824	17,648

NORTH END.

Chelsea Ferry, about	3,750	3,750	7,590
East Boston Ferry, about.....	2,489	2,489	4,978
People's Ferry, about	2,700	2,700	5,400
Total	8,939	8,939	17,878

Railroads and ferries bring daily to the city.....	23,158
" " " carry daily from the city.....	23,224

Total to and from the city daily.....	46,386
Number arriving and departing at Southern depots	10,856
" " " western and northern depots and ferries, 35,530	

CITIZENS' LINE OF OMNIBUSES. ESTABLISHED SEPT. 6, 1858.

Runs 15 hours, 28 omnibuses, 21 sleighs, 160 horses. Licensed by city of Boston for 25 omnibuses.

ROUTES.

- Concord street through West End to Charlestown bridge.
- Concord street through West End to East Cambridge bridge.
- Concord street to Chelsea Ferry.

DAILY TRIPS.

1. South End to West End and Charlestown bridge, 160 trips, 320 passages.
2. South End to West End and East Cambridge bridge, 20 trips, 40 passages.
3. South End to North End and Chelsea Ferry, 60 trips, 120 passages.
Total, 240 round trips, 480 passages,— passing an omnibus through Washington street, down or up, every two minutes.

Accommodation provided, (12 seats to a coach:

West End and depot routes.....	2,160 each way, 4,320
North End and ferry routes	720 " " 1,440

Total daily seats.....	5,760
Receipts for 12 months ending January 1, 1862	\$61,650 29
Profits, between \$10,000 and \$12,000.	
Price of fares (all through), 5 cents single passage. Tickets, 7 for 25 cents; 29 for \$1.00	
Passengers for year ending January 1, 1862.....	1,541,257